

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

REALTIME DATA, LLC D/B/A IXO,

Plaintiff,

v.

PACKETEER, INC., et al.,

Defendants.

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CIVIL ACTION No. 6:08cv144

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains his proposed findings of fact and recommendation for the disposition of such action has been presented for consideration. (Doc. No. 379). Defendants Blue Coat Systems, Inc., Packeteer, Inc., 7-Eleven, Inc., ABM-Industries, Inc., ABM Janitorial Services–South Central, Inc., and Build-A-Bear Workshop, Inc. (collectively, “Blue Coat Defendants”) have filed Objections to Report and Recommendation of United States Magistrate Judge Regarding Motion for Partial Summary Judgment of Invalidity for Indefiniteness Entered June 23, 2009 (“Objections”) (Doc. No. 395), arguing that the Magistrate Judge made errors in the Report regarding the terms “compression rate” and “substantially greater.”¹ Id. Plaintiff filed a Response to Defendants’ Objections, (Doc. No. 452), and a Sur-Reply (Doc. No. 460). The Blue Coat Defendants also filed a Reply (Doc. No. 458).

¹Defendants F5 Networks, Inc., Averitt Express, Inc., DHL Express (USA), Inc., and Citrix Systems, Inc. all joined in the Blue Coat Defendants’ Objections. (Doc. Nos. 400, 401, 404, 412).

The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court.

So ORDERED and SIGNED this 24th day of August, 2009.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**